

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS ("CITY"), REPEALING ORDINANCE NO. 02-02-36 AND ESTABLISHING THAT ANNUAL PERMIT AND LICENSES ARE REQUIRED AND ESTABLISHING FEES FOR APPLICATIONS FOR PERMITS AND LICENSES UNDER THE TEXAS ALCOHOLIC BEVERAGE CODE; ESTABLISHING PROCESSING PROCEDURES AND SURCHARGES FOR APPLICATIONS FOR PERMITS AND LICENSES UNDER THE TEXAS ALCOHOLIC BEVERAGE CODE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has canvassed the results of the local option election held February 2nd, 2002 and found that both propositions in said election were duly passed by the voters;

WHEREAS, all applications for permits and licenses processed by the Texas Alcoholic Beverage Commission ("TABC") under the Alcoholic Beverage Code ("ABC") ("Applications") must be submitted to the City Secretary for approval and signature;

WHEREAS, before the City Secretary can sign the Applications, they must be processed by appropriate City departments to ensure that all local ordinances and regulations are complied with and that the property is in a wet area;

WHEREAS, the City Council finds that the costs of processing the Applications should be defrayed by the City by collecting processing fees from the applicants ("Processing Surcharge");

WHEREAS, the ABC authorizes the City to collect local fees for permits and licenses equal to one-half of the State of Texas fee for the permit or license ("Permit Fee");

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to repeal Ordinance No. 02-02-36 and to pass this Ordinance to regulate said matters.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Repeal of Frisco Ordinance No. 02-02-36. Frisco Ordinance No. 02-02-36 is repealed in its entirety and replaced by this Ordinance for the purpose of updating the fees relating to permits and licenses for alcoholic beverages. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 02-02-36 shall be repealed. Such repeal shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 02-02-36 occurring before the effective date of this Ordinance.

SECTION 3: Permit Required and Annual Permit Fee Established. It shall be unlawful for any person to manufacture, distill, brew, import, transport, store for purposes of sale, distribute or sell any beer, wine or other alcoholic beverage within the City without having first paid a annual City Permit Fee equal to the amount set forth below or one-half of the State of Texas fee required by the ABC of every person that may be issued any permit or license or renew such permit or license by the State for the manufacture, distilling, brewing, importing, transporting, storing, distributing or sale of any beer or wine, whichever amount is greater:

TYPE OF PERMIT/LICENSE	ANNUAL FEE
Caterer's Permit	\$288.00
Mixed Beverage Permit	Original, 1 st & 2 nd renewal – No Charge 3 rd & subsequent renewals - \$455.00
Wine and Beer Retailer's Off Premise Permit	\$53.50
Beer Retailer's Off Premise License	\$53.50
All others authorized to be issued in Frisco	One-half (1/2) of the "Total Due" Reflected on Exhibit "A"

Such Permit Fee shall be paid to the City Secretary annually, except that the fee for a Mixed Beverage Permit shall be waived for the initial application and the first two (2) annual renewals. Exhibit "A" is incorporated as if fully set forth herein. The City Secretary shall issue a receipt for the Permit Fee and keep a record of the same in the City Secretary's office. All receipts issued for the payment of Permit Fees under the terms of this section shall terminate at midnight on the day before the anniversary date of their issuance, and no receipt shall be issued covering a longer term than one (1) year.

SECTION 4: Processing Procedures Established. Before the City Secretary shall sign any Application for a permit or license under the ABC, or any annual renewal, such Application shall be submitted to the appropriate City departments, as determined by the City Manager, to ensure that the Application complies with all City ordinances and regulations and are for establishments located in a wet area.

SECTION 5: Annual Processing Surcharge Established. An annual Processing Surcharge in the amount of \$200.00 shall be charged by the City Secretary for

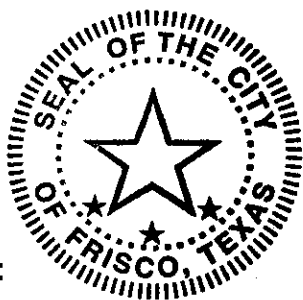
accepting any Application or renewal for which the Permit Fee is One hundred dollars (\$100.00) or less. The City Secretary shall issue a receipt for the Processing Surcharge and keep a record of the same in the City Secretary's office. All receipts issued for the payment of Processing Surcharge under the terms of this section shall terminate at midnight on the day before the anniversary date of their issuance, and no receipt shall be issued covering a longer term than one (1) year.

SECTION 6: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 8: Effective Date. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this 18th day of January, 2005.



ATTEST TO:

Nan Parker
NAN PARKER, City Secretary

E. Michael Simpson
E. Michael Simpson, Mayor

APPROVED AS TO FORM:

Julie Y. Fort
ABERNATHY, ROEDER, BOYD &
JOPLIN, P.C.
RICHARD M. ABERNATHY
City Attorneys

EXHIBIT "A"
(2 pages attached)

	EFFECTIVE 09/01/02		Subject to Annual Change		
Code	Description of Fee	Fees	Surcharge	Total Due	
	LIQUOR PERMITS				
A	Agent's Permit			\$0	
AB	Airline Beverage Permit			\$0	
PE	Beverage Cartage Permit	\$20	\$43	\$63	
J	Bonded Warehouse Permit	\$150	\$39	\$189	
JD	Bonded Warehouse Permit (Dry Area)	\$150	\$39	\$189	
B	Brewer's Permit	\$1,500	\$153	\$1,653	
C	Carrier's Permit			\$0	
CB	Caterer's Permit	\$500	\$76	\$576	
TB	Daily Temporary Mixed Beverage Permit (Per Day)	\$50	\$108	\$158	
TN	Daily Temporary Private Club Registration Permit	\$50	\$121	\$171	
D	Distiller's & Rectifier's Permit	\$1,500	\$95	\$1,595	
FB	Food and Beverage Certificate	\$100	\$153	\$253	
FC	Forwarding Center Authority	\$1,000	\$76	\$1,076	
I	Industrial Permit			\$0	
E	Local Cartage Permit			\$0	
LP	Local Distributor's Permit	\$100	\$121	\$221	
LI	Local Industrial Alcohol Manufacturer's Permit	\$100	\$89	\$189	
T	Manufacturer's Agent's Permit	\$10	\$33	\$43	
MR	Market Research Packager's Permit	\$100	\$33	\$133	
MI	Minibar Permit	Original	\$2,000	\$95	\$2,095
		1st Renewal	\$1,500	\$95	\$1,595
		2nd Renewal	\$1,000	\$95	\$1,095
		3rd Renewal	\$750	\$95	\$845
MB	Mixed Beverage Permit	Original	\$3,000	\$160	\$3,160
		1st Renewal	\$2,250	\$160	\$2,410
		2nd Renewal	\$1,500	\$160	\$1,660
		3rd Renewal	\$750	\$160	\$910
RM	Mixed Beverage Permit with FB	Original	\$3,000	\$160	\$3,160
		1st Renewal	\$2,250	\$160	\$2,410
		2nd Renewal	\$1,500	\$160	\$1,660
		3rd Renewal	\$750	\$160	\$910
LB	Mixed Beverage Late Hours Permit	\$150	\$89	\$239	
U	Non Resident Brewer's Permit	\$1,500	\$102	\$1,602	
S	Non Resident Seller's Permit	\$150	\$102	\$252	
P	Package Store Permit	\$500	\$134	\$634	
PS	Package Store Tasting Permit	\$25	\$50	\$75	
Q	Wine Only Package Store Permit	\$75	\$147	\$222	
PT	Passenger Train Beverage Permit			\$0	
O	Private Carrier's Permit			\$0	

EFFECTIVE 09/01/02				
Code	Description of Fee	Fees	Subject to Annual Change Surcharge	Total Due
LIQUOR PERMITS				
NE	Private Club Exemption Certificate Permit	\$0	\$0	\$0
N	Private Club Registration Permit 0 to 250 Members			\$0
	251 to 450 Members			\$0
	451 to 650 Members			\$0
	651 to 850 Members			\$0
	851 to 1,000 Members			\$0
	Over 1,000 Members			\$0
N	Private Club Registration Permit Original			\$0
	1st Renewal			\$0
	2nd Renewal and all Subsequent Renewals			\$0
NB	Private Club Beer and Wine Permit	\$1,500	\$237	\$1,737
NL	Private Club Late Hours Permit	\$750	\$95	\$845
L	Private Storage Permit	\$100	\$56	\$156
K	Public Storage Permit	\$100	\$56	\$156
W	Wholesaler's Permit	\$1,875	\$186	\$2,061
X	General Class B Wholesaler's Permit	\$300	\$173	\$473
LX	Local Class B Wholesaler's Permit	\$75	\$173	\$248
V	Wine and Beer Retailer's Permit Excursion Boat	\$130	\$147	\$277
Y	Wine and Beer Retailer's Permit Railway Car (Fee - Per Car)	\$30	\$147	\$177
Z	Wine Bottler's Permit	\$225	\$160	\$385
G	Winery Permit	\$75	\$186	\$261
GS	Winery Storage Permit	\$100	\$56	\$156
BEER LICENSES				
BK	Agent's Beer License	\$10	\$33	\$43
BC	Branch Distributor's License	\$75	\$186	\$261
BB	General Distributor's License	\$300	\$186	\$486
BI	Importer's License	\$20	\$76	\$96
BJ	Importer's Carrier's License	\$20	\$56	\$76
BD	Local Distributor's License	\$75	\$186	\$261
BA	Manufacturer's License 1st Establishment	\$750	\$173	\$923
	2nd Establishment	\$1,500	\$173	\$1,673
	3rd, 4th & 5th Establishments	\$4,275	\$173	\$4,448
	Excess of 5 Establishments	\$8,400	\$173	\$8,573
MW	Manufacturer's Warehouse License	\$300	\$147	\$447
BS	Non Resident Manufacturer's License	\$750	\$153	\$903
BP	Brewpub License	\$500	\$115	\$615
BF	Beer Retailer's Off Premise License	\$60	\$147	\$207
BE	Beer Retailer's On Premise License	\$150	\$147	\$297
BL	Retail Dealer's On Premise Late Hours License	\$250	\$89	\$339
SL	Storage License			\$0
BH	Temporary License	\$30	\$108	\$138
CA	Temporary Charitable Auction Permit	\$25	\$108	\$133
BG	Wine and Beer Retailer's Permit	\$175	\$147	\$322
BQ	Wine and Beer Retailer's Off Premise Permit	\$60	\$147	\$207